

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**CALVIN LEWIS LLOYD,** **PLAINTIFF**  
**V.** **NO. 3:03CV234-P-D**  
**WACKENHUT CORRECTIONS FACILITY, ET AL.,** **DEFENDANTS**

**ORDER GRANTING DEFENDANTS' MOTION TO SET ASIDE ENTRY OF DEFAULT**

Entry of default was entered against defendants Virginia Vittor and Melanie Gilliland on February 28, 2005, in this *pro se* § 1983 conditions of confinement case in that the defendants “failed to plead or otherwise defend” in response to Plaintiff’s complaint. On March 24, 2005, Vittor and Gilliland filed a “Motion to Set Aside Entry of Default and/or Default Judgment and for Leave to File Answer and Defenses.” The defendants state that they did not ignore the complaint, but were under the impression that their employer was preparing their defense and would file answers to the complaint.

The court has considered the motions filed by the defendants, the prior pleadings, as well as the applicable law and it is clear that the motion to set aside entry of default should be granted as should the motion for leave to file answers and defenses. The answers have now been filed, a scheduling order has been issued, the plaintiff has filed a witness list, and the case is proceeding in an orderly manner to disposition. Accordingly, it is

**ORDERED:**

Defendants Virginia Vittor’s and Melanie Gilliland’s motions to set aside entry of default and for leave to file a responsive pleading (docket entry 22) is **granted**;

THIS the 24<sup>th</sup> day of February, 2006.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE